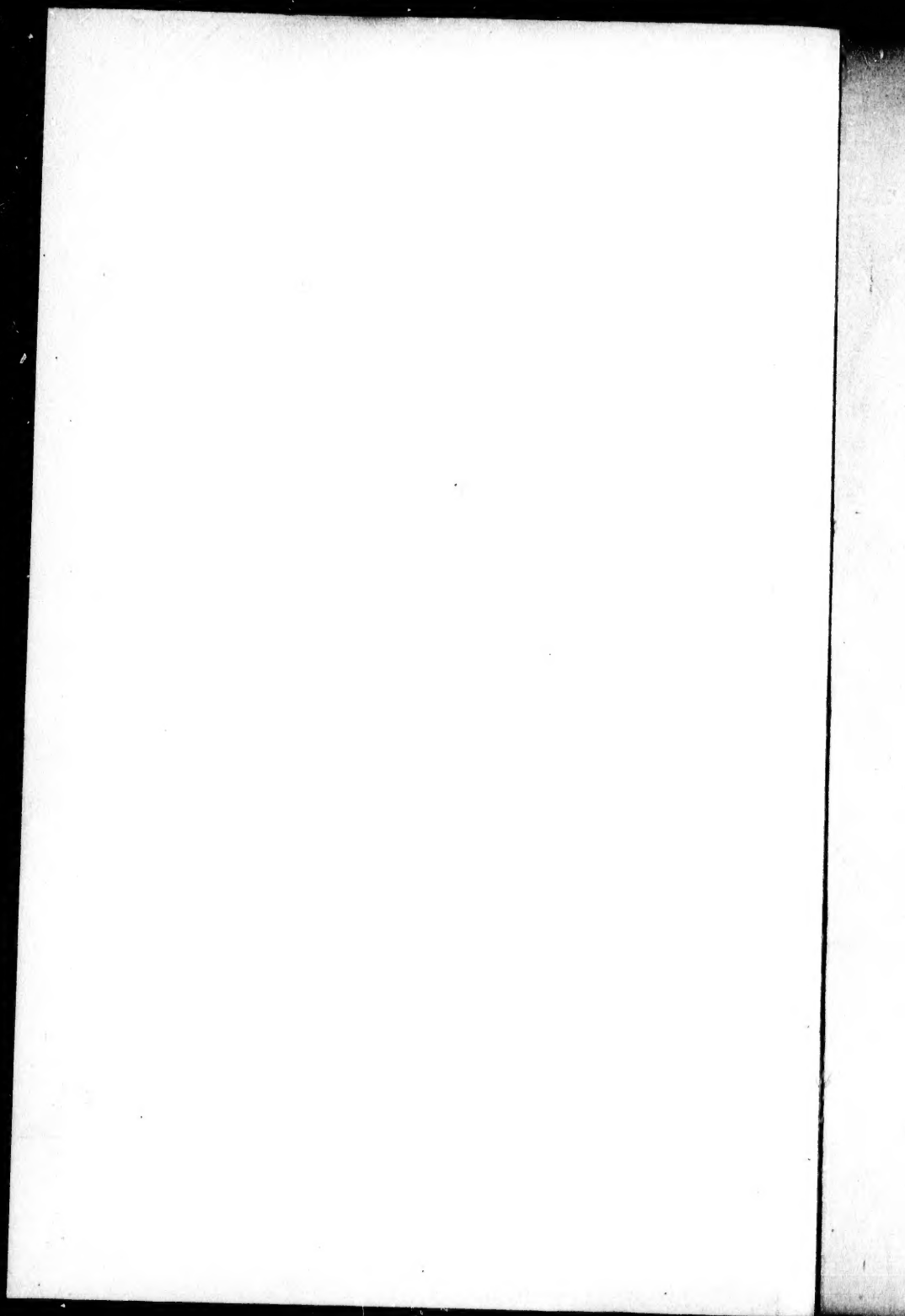




# NEW DISPOSAL OF CONVICTS.

REPRINTED from the Letter of the Canada Correspondent of the London  
MORNING POST, April 8rd, 1856.

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## NEW DISPOSAL OF CONVICTS.

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The accounts which have been lately received of the daily occurrence of garotte outrages in England by ticket-of-leave men and discharged convicts, have induced the writer to republish the following communication, which appeared in the *Morning Post* of April 3rd, 1856, recommending a return to the system of transportation in a field more adapted for its successful operation than Australia afforded. He is the more inclined to bring his views again before the English public, because they have now been confirmed by the experience of six years' subsequent events.

Not only has the ticket-of-leave system failed in every part, but the fact has been established of the existence of many of those valuable mines and other resources in the Hudson's Bay and North West Territories, including British Columbia, which the writer pointed out as offering facilities for the employment and classification of the convicts. A national undertaking upon which the better disposed convicts could now be profitably set to work, is the mail and passenger road to be constructed between Canada and the Pacific. With the usual overseers to each gang, the usual wardens and other attendants at each depot, an armed constabulary force at convenient stations, and with the whole Indian population of the country ever on the alert to obtain the reward held out for the capture of runaways, no escapes to Canada or the United States need be feared. The hopelessness of succeeding in attempts to reach either would almost effectually prevent their ever being made. From the intelligent Indian tribes might be formed an auxiliary police for the entire region, who would become the most efficient scouts, and whose employment as such would have a very salutary effect upon the convicts generally. As to the objection urged by an English paper, that an "underground railway" for the escape of the convicts would be organized by settlers living on the outskirts of the province, it is sufficient to remark that, among civilized communities (and the people in any part of Canada are no exception to the rule), the runaway convict is looked upon as a dangerous wild beast at large, and would be hunted down as one, instead of being aided and welcomed, as are the slaves of the South in their efforts to attain freedom.

In again bringing to the notice of the public the fact that the Hudson's Bay and North West Territories offer the most suitable field for the reception, safe custody, and reform of English criminals, the writer hopes that Canada and the other British North American provinces will be induced to send their convicts there also, to be employed in turning to account their great northern wilderness, instead of retaining them in crowded penitentiaries, where the system of hard labour is carried out by handicrafts which interfere with the earnings of the honest workman.

The writer attaches to the following communication some articles from the English, United States, and Canadian papers, out of many to which its publication in the *Morning Post* gave rise. By these it will be observed that it attracted attention and caused some controversy upon both sides of the Atlantic.

A. R. R.

TORONTO, January, 1863.

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## "NEW DISPOSAL OF CONVICTS."

*From the "Morning Post" of April 8rd, 1856.*

(FROM OUR OWN CORRESPONDENT.)

TORONTO, March 8, 1856.

"Any project for relieving England of her difficulties in regard to the disposal and management of her convicts should at this moment be indulgently received by the British public, and its merits be carefully weighed. When all are feeling and crying out at the misfortunes and miseries which have been inflicted upon the country by the existing mode of disposing of her convicts, that period should be an opportune one for placing before the people of England a plan for the removal from among them of those evils which the writer has been led to draw up, in consequence of his having given an attentive observation to their growth and magnitude, and of his being able to point out in what way the much needed relief may be obtained.

Everybody in England appears to be pretty well agreed that the present convict system must shortly undergo some change; that during its existence of two years it has been fairly tried, and that the result of that trial has shown its failure in every part. All experience obtained of its working has proved it to have fallen short of every object for which it was introduced, whether we consider the effect upon the ill-disposed or upon the convict himself, or whether we regard the protection and relief of the community.

Since the working of the present system, under which, with the exception of a few convicts still sent to Western Australia, Bermuda, and Gibraltar, transportation has ceased, we have hardly taken up an English paper without seeing a report of several robberies and acts of violence committed by ticket-of-leave men, who swarm in all the great towns, and complaints of the insecurity of life and property, in consequence of their presence everywhere, and of their almost invariable return (whatever discipline they may have undergone in model prisons or philanthropic institutions), to their former habits, with increased ardour and more accomplished skill. We hear of complaints from all quarters upon this head—from the magistrate in the police-office to the Chief Justice and judges upon the bench, and from the honest mechanic in his workshop to Lord Lyndhurst in the House of Peers. In fact, the evils of the present system are becoming so great—the ticket-of-leave and the conditionally-pardoned men are becoming so numerous and so daring, that, without some change in that system, these

outcasts from all that is useful or good, will shortly become what the *forçats* in Paris have been in the days of the greatest license there—the instigators and leaders of every riot and species of villany in public, as well as the chief actors in the greatest iniquities in private. But what tells more than anything else against the system of keeping the convicts in England, is the almost impossibility which a ticket-of-leave man has of pursuing an honest course there without running the risk of starving. Confined, as the ticket-of-leave holder now is, to the scene of his crimes and of his shame, surrounded and tempted by many of his old associates still at large, and always lying in wait for him, while he is repelled by the respectable employer, and his companionship is shunned by the honest workman, how can this be otherwise? Of the great failure of the system in this latter respect, a convincing proof is conveyed in the following affecting incident related in a London morning paper, under the head of Middlesex Sessions:—

“As the learned sergeant (Sergeant Adams) was about to leave the bench on Monday evening, a man entered the court and stated that he had been unable to obtain admission to Nash’s Reformatory Institution for adult criminals, at Westminster, to which he had been recommended by his lordship.

“It transpired that, some short time ago, the learned Assistant-Judge was accosted in the street, at Brighton, by the prisoner, who solicited alms, not knowing the person whom he addressed. There was something in the man’s demeanour which induced the learned sergeant to question him, and he at once frankly admitted that he was a thief, and was then at liberty on a ticket-of-leave, adding that he had no hope of ever gaining a livelihood by honest labour, because his former character was so well-known that wherever he was, he was hunted about as a convicted thief, and thus deprived of an opportunity of redeeming himself. The Assistant-Judge, upon this desired him to call, at a certain hour, at the hotel he was staying at, and the man punctually attended. The Assistant-Judge then told him that, with the view of putting his sincerity to the test, he would pay his fare to London, and give him a recommendation to Nash’s Institution, where if admitted, he would have to undergo a probationary treatment on bread and water, to which he replied that that would be no hardship; but what, he asked, was he to do with his wife? As he had made no previous mention of his being married, the Assistant-Judge was surprised at the avowal, and asked where the wife was. The man replied by introducing her, and she had the appearance of a decent respectable woman. Satisfied, by the production of the marriage certificate, that they were husband and wife, the Assistant-Judge said he would pay the fare of both of them to town, which he did, and furnished the man with the promised recommendation. The man presented himself at the institution, but was there informed that according to the rules, no married men could be admitted, and having ascertained who his benefactor was, he appeared himself to inform his lordship of the result of the application.

“The Assistant-Judge expressed his deep regret that such a case could not be admitted into the institution, and desired the man to attend this morning.

“At the opening of the court the man made his appearance.

“The Assistant-Judge mentioned the circumstance to Mr. Payne, the barrister, and inquired of him, as one of the committee of Nash’s Institution, whether he knew of any, or could suggest any, other place where the man could be received or assisted, as he considered it a deserving case.

“Mr. Payne said he was not aware at that moment that he knew of any such place; but before the next session he would make enquiry, and report the result to his lordship.

“The man was then directed to attend at the next session, *and he went his way.*”

Can any one doubt that this man, who responded to the invitation of the Assistant-Judge in anxiety and hope, went his way in despair? How

was he to subsist until the next session of the court? Hunted, as a convicted thief, wherever he looked for honest employment, what resource had he to live by but by that which had made him a convict? How different the ultimate condition might be of one possessing such a frame of mind as that in which he presented himself to the Assistant-Judge, had he been permitted to commence a new life upon a new soil! There he might become not only a useful member of society, but an example and a blessing to the community in which he would be placed. As he is, it is melancholy to reflect upon what his fate may be!

We have seen, in the foregoing, the little hope that is held out to the repentant convict under the present system. In the following report of a debate in the House of Lords, in reference to that system, we see how completely it has failed to produce any beneficial effect upon the far more numerous class of hardened offenders, and what little protection is afforded under it to the community at large:—

#### 'TICKET OF LEAVE SYSTEM.

"Lord Lyndhurst wished to call the attention of their lordships to a question of very considerable importance. He observed, from the newspapers, that a returned convict on ticket of leave was yesterday placed at the bar of Bow-street Police-court, charged with using obscene language to a policeman when in the discharge of his duty. From the report in the papers, it appeared that the magistrate, Mr. Jardine, a gentleman of great learning and experience, said, 'The language must have been bad indeed to shock a policeman. It presented a striking contrast, no doubt, to the sentiments expressed by the prisoner in his interviews with the chaplain of the prison from which he had obtained his ticket of leave. On these occasions, it appeared, the adoption of a hypocritical tone and a canting expression of the countenance (which the worst of them were capable of assuming best, when it served their purpose to do so), sufficed to obtain the discharge before the expiration of half the term of their original sentence, with the further advantage of a written character, enabling them to impose upon the public. Why, he had not presided there any day for some time past without having to dispose of some charge against a ticket of leave man. The neighborhood was infested with them. They stood at the corners of the streets at midnight, and, pouncing suddenly upon the lonely passenger, half strangled and robbed him before even an alarm could be given.' This was the magistrate's statement, speaking of cases that had come within his own knowledge. Then Inspector Mackenzie, a policeman, said, 'There were 40 ticket of leave men in the immediate neighborhood of the court, and chiefly in Charles-street, Drury-lane, who had returned to their old haunts and to their former course of life. In order, however, to avoid the personal consequences, they usually employed boys and women to assist them, and these were constantly apprehended, while the principal delinquents escaped altogether.' After these observations of the inspector, Mr. Jardine said, 'He had a very strong feeling upon the subject. Society was not safe with the present system in operation. It might be a desirable thing to clear the gaols of these men, but it was a bad thing for the public when they returned to a life of crime, having escaped more than half the punishment which it had been thought proper to award them for previous offences. The expense even of re-prosecuting these men, when they were detected, must amount to a formidable sum.' Now, their lordships would recollect that a discussion took place on the Convict Bill when it was before the house, and he (Lord Lyndhurst) remembered that on that occasion the Lord Chief Justice stated his anticipations of what was likely to take place if the bill were passed, and pressed upon the Government to reconsider the subject. He must say that the anticipations of the noble and learned lord had been fully confirmed. Every day would greatly increase the number of men discharged on tickets of leave, and the sooner the subject was taken up by the Government and their lordships the better it would be for the public.



"Lord Campbell felt called upon to say that all the anticipations he had formed regarding this measure had been more than realised. He felt the utmost dread and apprehension when he was told that transportation, as a punishment, was to be abolished, and that convicts in this country were to be admitted to their freedom on tickets of leave. It was easy to perceive that the safety of society would soon be at an end if this system were pursued. The observations made by Mr. Jardine were no exaggeration, and he therefore most earnestly joined his noble and learned friend in entreating the earnest and the immediate attention of the Government to the subject."

Since this debate took place the ticket-of-leave holders have become much more numerous, and, if possible, much more daring; so that instead of the magistrate, the police officer, and the members of the Legislature (whose functions enable them to be among the first to perceive the great evils which have been pointed out), being the only classes to denounce the present convict system, we have nearly the entire population of the British Isles crying out against its continuance. Notwithstanding the statistics furnished by Colonel Jebb and others in support of a favorite system, so far as they have identified themselves with its operation, a thorough inquiry into the more permanent effects of that system would show its utter failure, including the working of the various reformatory institutions for adult criminals which have arisen in connection with it, and which may be regarded as a part of its machinery. It is, therefore, time that we should turn to a quarter where the much-needed remedy for one of the greatest social evils that could afflict a people can be easily supplied.

To remove the evils, of which a slight and very imperfect sketch is given above, there can be no question that transportation beyond the seas must be again resorted to. But to do this with the desired results to the country now groaning under the present system, to the convicts themselves, and to the country receiving them, the sunny regions of the south, where the climate invites, and, to a certain extent, permits and assists the indulgence of the gross passions of those unrestrained by moral obligations, must not be selected for the experiment. Where, then, shall we turn for the desired relief but to the more suitable and disposable regions of the north? No part of the world is so adapted for the purpose as the territory now lying useless in the hands of the Hudson's Bay Company. Whether we regard the enormous extent of this territory, its varied features and resources, its agricultural capabilities in the lower latitudes, and its mines and fisheries in the higher; or whether we view it in point of climate and position, or regard its present state of neglect and desolation, we must arrive at one conclusion, and that is, that no other place in the world affords so many elements for becoming a successful field of convict labour, and of convict management. Though situated within three weeks' steaming of England, the shores of Hudson's Bay are regarded by the masses in England as the most secluded, if not the most remote as well as the most inhospitable part of the world, and would, if transportation were directed there, present the greatest terrors to the imagination of the evil-doers and the evil disposed. In accomplishing this end, the territory would be made to answer the first great object of punishment—namely, the prevention of crime, in respect to which transportation to the smiling shores of Australia has signally failed. The expense also of conveying

convicts there would be trifling in comparison to that of their conveyance to Australia; and the climate (though very endurable and very healthy even in the higher latitudes), would effectually prevent those escapes which frequently occur in the latter, for the purpose of taking to and living out in the bush. The voyage, too, from its shortness, would not have that demoralising effect upon the convicts which the long voyage to Australia and Van Diemen's Land generally had. Nor would there be the slightest difficulty in properly classifying and managing the convicts in this new field of penal industry and reformatory discipline—ample resources for these purposes existing there, in the numerous and distinct localities which it contains, and in the varied and suitable occupations which the whole territory could be made to afford. Thus, for the worst description of convicts, employment could be obtained in the rich mines of copper, iron, tin, lead, coal, plumbago, and cinnabar, which have been discovered in the northern parts of the territory, and in those of gold, silver, platinum, and precious stones, including the diamond, of which there are certain almost infallible indications in the same parts; while the more easily managed of the reformed convicts might be sent to the fertile districts and the comparatively mild climates of the Saskatchewan, the Upper Mackenzie, and of Oregon, and New Caledonia;\* there to be employed not only in working the coal which exists in those neighbourhoods (for which a demand would spring up by the occupation and progress of the territory), but also in the operations of agriculture, for the purpose of supplying the northern establishments with farm produce; in improving and maintaining the communications, whether by land or water, and in many useful and important works, such as might be desirable for preparing the country for free settlers; the latter extensive sections of it being admirably adapted for colonisation. Works for turning to account the porcelain clay, the malachite, the fine jasper and fine porphyry, and the beautifully variegated marble, which have been discovered in many parts of the territory, might also give employment to the convicts, according to their previous occupations or their abilities, and the section of country in which they might happen to be located. The valuable salmon, sturgeon, whale, seal, and walrus fisheries would, in like manner, afford occupation to those convicts adapted for them; while the intercourse between the several stations, the transport of ores and minerals, of provisions and stores, and the interior commerce, as it were, of the whole territory, might be carried on by means of those who should have earned conditional pardons, tickets of leave, or some minor indulgence, by their good conduct. Thus the most suitable means would be found there of punishing and reforming the vicious, of encouraging the hopeful, and of rewarding the deserving. The entire system, embracing the different stages of penal servitude and of wholesome yet not necessarily severe discipline, the probationary course, the ticket-of-leave indulgence, and the conditional pardon release, could then be administered with a fair prospect of the great ends contemplated by punishment being attained. For many reasons, besides those which have been already given, this should never have been expected from transportation

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\* Now (1863) British Columbia.

to Australia. In the Hudson's Bay territory, with the system properly organized and conducted by proper machinery, there would be no excuse and no opportunity for idleness among any one of the classes of criminals embraced within it. While the objectionable assignment system could not exist there at first, in consequence of the absence of all free settlers, and should never be introduced, the Government having the whole of the mines and other resources of the country in its own hand, with the exception of those of the fur trade, would not only be able to command full and remunerative labour for those convicts going through the first two stages of the system, but it would at all times be able to afford suitable and profitable employment to the ticket-of-leave holders and the conditionally-pardoned men, which was often found to be impossible in Australia. In the latter country useless occupation had sometimes to be found for those convicts of the former class; and often when it was intended that they should be fully employed in gangs upon the roads and other public works, two-thirds of their time was consumed either in idleness or in very languid and unprofitable exertion. As for the ticket-of-leave holders in that country, they have, upon several occasions, been unable to obtain their own livelihood, and were again thrown upon the authorities, who had not even work to give them, but were obliged to supply them with rations, to prevent their being starved, or resorting to the means of existence adopted by the bush-ranger. It will be seen by what has been said in favour of the Government employing all classes in the new field, that these failures of the system in Australia and Van Diemen's Land would not be likely to occur in the Hudson's Bay territory. The climate, too, of the latter, not only disposes and enables, but requires the human frame to labour, while in Australia, and all warm countries, the climate tends to produce the opposite effects. These effects were not only felt by the convict there, but had as much or more influence upon his overseer: hence, the work of the one being performed in proportion to the attention to duty of the other, much idleness and many abuses crept into, and became part of the system. In Siberia the mines are worked both in winter and summer, so the former season would offer no interruption to the labours in the mines of the Hudson's Bay territory. The ticket-of-leave holders, who might be employed in agricultural operations during the summer in the southern districts of the territory, could in winter be engaged in cutting timber for many purposes from the magnificent forests in the neighbourhood, and also in many of the profitable occupations which are carried on during that season in Canada. They might be engaged in building vessels, barges, boats, and canoes for the traffic of the lakes and rivers, according to the various facilities presented by these waters for navigation, and they might even be employed in the construction of houses for the reception of those settlers from Canada whose attention is now being directed to the fertile prairies of the Saskatchewan, and who will not be long in penetrating to that quarter. By a judicious encouragement of the latter in the agricultural districts, and the organization of the whole territory into a field of penal labour and reformatory discipline, ameliorating agencies would be called into action throughout it; and thus a region, larger than the whole of Europe, occupying the most important position in reference to Europe,

Asia, and the United States, would be rescued from a state of utter neglect and desolation, so far as any vitality or progress may be regarded, and would in time become filled by the hardiest and most promising people; forming a strong support to Canada, in opposition to her southern rival, though a great portion of them, like many in the United States, would have sprung from parents not the most moral in the world. Though much worth has grown out of the sink of imported iniquity in the latter country and in Australia, much more good out of the same description of evil would be produced in the vast territory under consideration, and important ends be obtained there which are not likely to be produced by other agencies, unaided by the former. Partly occupied by settlers from Canada, by way of Lake Superior and the Red River Settlement, and entered at Hudson's Bay, and penetrated in many directions by the exiles from England, accompanied by their guardians and other attendants, the whole region would become a scene of industrial progress, the future of which it would be difficult to estimate too highly.

In the event of the Hudson's Bay territory being selected for the purposes above proposed, as soon as preparations could be made for their reception, the convicts should be sent out at once after being sentenced to transportation, instead of being detained, as formerly, in England, and undergoing there a course of probationary discipline. This preparatory course has generally been thrown away, not only by the course itself being a very imperfect one, and by the demoralising effects of a long voyage, but also by the great degree of liberty often granted to the convicts upon arriving at their destination, out of all proportion, when considered in connection with their previous discipline and the crimes for which they have been sentenced. Notwithstanding the long voyage which intervened, the change was too sudden and too wide. Upon this point, it may be as well to state what Sir William Denison, the Governor of Van Diemen's Land, has said:—"Convicts who have gone through the secondary or probationary period in the colony are much better when they have become ticket-of-leave men, than those who have gone through it in England, and have obtained tickets of leave upon landing."

With a view, then, to prevent that enormous waste of money and of time which is now expended in England upon penitentiaries and model prisons for adults, such as those at Pentonville and Millbank, and to promote the real objects contemplated by penal discipline, an establishment, in some respect similar to that at Portland, should be formed at the entrance of one of the many rivers flowing into Hudson's Bay, or at some more suitable and more sheltered spot in their neighbourhood. Some place might be selected, where the construction of important public works, having reference to the opening out of the territory to the general enterprise of England and of Canada, besides those required for the establishment, would yield some return for the money laid out. The construction of wharves and of storehouses, for the accommodation of ships and goods, and the erection of try-houses, and all the apparatus necessary for extracting the oil from the whales caught in the bay, where they abound, and where they have hitherto remained unmolested, might be among the first works of this nature upon which the

convicts should be employed. Some of the richest mines of copper, lead, and quicksilver exist in the neighbourhood of the bay, and might also afford occupation to the convicts there. To such an establishment as that above proposed all convicts sentenced to transportation should be sent in the first instance, and there be subjected to hard labour, combined with such a course of improved discipline as the experience obtained of the working of the system at Portland should suggest. But, whatever the result of that experience may be, neither at this portal of the new field of punishment and of reward, nor at any interior station of it, should the murderer or the housebreaker be classed with the less hardened offender, unless crime committed by the latter within the territory should have placed them upon an equality. Nor should the whole of their time there be devoted to hard labour. Both the schoolmaster and the minister of religion should engross a portion of it each day, and their labour should, if possible, be such as to suit that industrial training which would best fit them for the occupations for which they might be destined in the interior or upon the coast. Considering the number of convicts to be disposed of by Great Britain annually, this depot should be able to contain, upon an emergency, as many as 2,000 at one time, though it would be advisable that the number should seldom exceed 800, which would be about equal to the number employed at Portland. The period for which they should be detained there should in no case be less than three months, or be more than twelve. For the first few years provisions could easily be supplied to this establishment by the Government from England. The wants, however, of so large a number of convicts, and of those in charge of them, would soon attract, even to the bleak shores of Hudson's Bay, a community of importers and of breeders of cattle, &c., on the spot (for which the neighbourhood is well adapted), who would, in time, reap a rich harvest by supplying this establishment, and, perhaps, other establishments in the interior, and thus relieve the authorities at home of any anxiety upon this head. That this would be so, who can doubt, after considering the fact that the Dutch whale fishery alone gave rise to a flourishing community of traders at Smeerinberg, upon the barren shores of Spitzbergen, and that so great was its prosperity, while the fishery continued to be prosecuted in its neighbourhood, that the Hollanders used to compare it with their famous settlement of Batavia, which was founded about the same time. Besides the trading community which would spring up in the neighbourhood of the proposed establishment at Hudson's Bay, and be partly supported by supplying the wants of the whalers which would then be permitted to visit the valuable fishing-ground in the bay, produce would soon be conveyed to that market from the Red River Settlement, and from the stations in the fertile valley of the Saskatchewan. To the latter the convicts should have a prospect of making their way, after they had gone through the industrial and moral training at the establishment upon the shores of Hudson's Bay, and also through a longer probationary course at the mines, or other stations at various points in the interior, or upon the coast. Any auxiliary establishments that might be required, such as houses of correction, partaking of the character of model prisons, might be formed at Hudson's Bay in connection with the general

depot there, and at one or two of the stations in the neighbourhood of the mines; and a large penitentiary for females should be placed in some sheltered spot in the far interior, where its inmates could be employed in making wearing apparel, and other useful articles, out of the flax growing spontaneously there, and of the wool of the big-horn sheep which inhabit New Caledonia. They could also find occupation in many other works of industry, which would minister to the wants of a vast convict community. The wool-bearing goats of the Rocky Mountains would probably furnish material out of which fabrics might be produced as curious and as valuable as the far-famed shawls of Cashmere.

At all the various establishments which it might be necessary to form to carry out an efficient system of discipline in all its parts, no convict should be employed in any post of authority; for to secure respect and obedience, as well as the beneficial influence of good example, all having the slightest control over the convicts, from the lowest constable to the governor of the territory, should be above suspicion. To the unpardonable neglect of this common sense view of the relationship which should exist between the convict and his overseer, may be attributed much of that failure in the late system of transportation which has generally been experienced wherever it has been tried. Other incentives to good conduct must be found than those of rewarding the apparently deserving (who at the same time may be the most accomplished hypocrites), at the expense of the convicts generally, and, therefore, to the injury of the entire system. To be able also the more effectually to maintain discipline, and to produce amendment among the convicts, as well as for the object of protecting the native tribes, no spirituous liquors of any description should be allowed to be introduced into the territory; and, from this prohibition, neither the officers of the Government, nor those of the Hudson's Bay Company, nor the free settlers, should be excluded. The great question in regard to temperance, now being agitated in many countries, would be then fairly tried in all its purity. As to more than one-half of the crime and misery in the world being produced by drink, there can be no doubt. In Siberia, the most demoralising effects are produced among the convicts and among all classes by the great extent to which drunkenness prevails in that country. There is nothing, in reality, in a cold climate to require the use of spirituous liquors, though in such a climate they do not produce that immediate ill effect upon the constitution which their use to any extent does in a warm country; but that the abstaining from them is conducive to health in the former, has often been proved, not only in Canada, but also in the bleakest parts of the Hudson's Bay territory, and among the ice of the Arctic Sea. As a compensation for being deprived of their allowance in this respect, and for any extra exertion which they might have to undergo, the military employed in the new field of convict discipline should be granted an increase of pay, and other advantages, during their sojourn there. For similar services in Siberia, without being subjected to the same deprivation, all officers, civil and military, obtain a step of rank upon being ordered to that region, and are permitted to return to Europe in the higher grade after three years' service. In the territory under consideration, the military should have every inducement held out



to them to become settlers, after a reasonable period of service. Special corps might be formed for the country, and be sent out every five years, to succeed the troops absorbed there.

It would promote many of the important ends which are aimed at by the present proposal, if, within a short period from the commencement of their probationary course at the mines or other public works, those convicts deserving of the indulgence should have their families sent out to them, the expense of which might be partly paid by them, after they should have earned enough for the purpose by task-work (the most salutary in its effects), or have become holders of tickets of leave. Considering the returns which the mines would yield, and the relief to the mother country which such a step would afford, even the whole of this expense might be cheerfully borne by the Government. As to the good effects of sending the families out, no one can doubt. With little opportunity to escape from localities cut off by 500 or 1,000 miles of forest from Canada or the United States, and with a prospect, depending upon their own conduct, of doing well in a few years in a more favourable locality, these convicts, if judiciously and firmly managed, would require few chains or other degrading restraints to bind them to their work of labour and of amendment. With short hours at their daily tasks, with their families around them, and the clergyman and the schoolmaster in their midst, using moral and persuasive means to lead them in the right path, would it be too much to expect that they would cheerfully resign themselves to a lot which would have few cares, and which might be attended by future advantages? Knowing also, by the performance of "task work," that they would be laying up some little store for a brighter period of their career, can we doubt that each man would proceed to his daily toil with cheerfulness and hope, and return to his wife and comfortable log-house at "early eve" to busy himself with some little improvements there, with feelings very different to those generally attributed to the convict while undergoing his sentence of transportation? Of the convicts naturally well disposed, but who had been led away by strong temptations, or had been the victims of circumstances, all this, and more than this, might be looked for. Of course, the same gratifying results could not be expected from the same treatment in the case of the most vicious, or the incorrigible, upon whom it would, therefore, be necessary to place some greater restraint. Discipline, however, should be strictly laid down for all, and be as strictly maintained; but it should partake more of the character of that discipline which has been made to accomplish such wonders with men sometimes taken from the worst part of a population and formed into an army. The lax system which was introduced by Captain Maconochie at Norfolk Island, and tried there for several years, and a similar system which at one time prevailed in Siberia, resulted in complete failure.

In a region presenting so many terrors to the imagination of the uninformed, from whom the greater number of criminals proceed, it might hardly be considered necessary to establish an ultra place of punishment; but all experience has shown that, among large masses of criminals, there will always be found some of that savage nature which nothing but physical suffering can subdue or render harmless. For all such (whom it would

be necessary to separate at once from the better disposed), an asylum should be provided, situated far away from the other stations, either upon the banks of the Coppermine River, or within the northern latitudes of the more fertile but equally rich mineral country of the Mackenzie. The influence, too, which the knowledge that such a place of punishment existed within the Arctic circle, where winter reigns supreme for nine long months, and darkness covers the face of everything for many weeks together, would be most salutary upon the minds of the convicts scattered throughout the territory, and also upon those of the ill-disposed in the mother country who had not yet ventured deeply into crime.

In consideration of the important objects to be produced by the carrying out of the present plan, not only in regard to England, but to the convicts and to the country of their reformation, the latter should be organized into districts or provinces, each presided over by a superintendent or lieutenant-governor, and the entire region should be placed under the charge of a governor-general, who would not only hold supreme command over the whole of the convict settlements, and the military or other parties attached to them, but who would also administer the general government of the territory, including all public matters relating to the proceedings of the Hudson's Bay Company, to the native tribes—whose especial protector he should be—and to the free settlers, who should be encouraged to come within his jurisdiction. He would also adopt measures for discovering and developing all the resources of the territory, and for attracting a free population there. With regard to the position of the Hudson's Bay Company, they might be permitted to occupy one somewhat similar to that which is held by the Russian Fur Company in Siberia, where the latter company, with large establishments and many dependents, are subordinate to the governor-general and the other imperial officers stationed in the country. For the preservation of their rights as a fur company (should it be deemed advisable to continue them), stringent laws might be enforced to prevent the wanton destruction of the fur-bearing animals. In Siberia, with a population of several millions, industriously employed in all the occupations and all the arts of civilized life, an immense and a profitable trade in furs is carried on every year with no apparent decrease. With the regulations and the experience of that country to guide us, we may easily accomplish in the more hospitable and the more accessible region of Hudson's Bay what has been successfully accomplished in the former, not only by introducing a population, by constructing roads, and building up cities and manufactories, but by taking measures at the same time to preserve and increase the trade in furs. The fear, therefore, which the Hudson's Bay Company have always evinced that this trade would become extinct or worthless, if attempts were made to people the territory and develop its other much more valuable resources, is not a legitimate feeling. But, after the rich harvests which the company have gathered during the last two centuries from the country, they would do well to retire from it, so soon as means commensurate to the undertaking shall be available for turning all its varied resources to account. The company might then obtain from the British Government terms equal to those which were granted to the East India Company upon the latter giving up their charter



as a commercial body—viz., an annual sum paid to them, equal to 10 per cent. upon their paid-up capital. The interest at that rate upon the sum of £400,000, which the Hudson's Bay Company acknowledge as their present capital, would amount to £40,000 annually; but as not more than one-half of the former sum was ever subscribed, but has been added to from time to time, by sums taken from their profits, and also by a simple declaration that their capital should represent twice the amount which had been paid up, the latter sum might be considerably reduced. Under any circumstances the company should not be allowed much longer to throw a blight over a region which, were it not for their connection with it, would have become long since one of the most important dependencies of the British Crown. Having for nearly two centuries confined themselves exclusively to the prosecution of the fur trade, and studiously neglected that development of the mineral and other resources of the territory with which they were charged by their charter—that others might not be attracted to it by the display of the latter—now that these resources have become well known through the explorations of scientific and other travellers unconnected with the Hudson's Bay Company, and that parties could be found in England and Canada willing and able to assist the British Government to turn them to proper account, the company would probably promote their own interests were they to retire from a field for which they are no longer fitted, while they can do so with that profit which they prize more highly than the mere reputation, which they might have earned, of being benefactors to the country of their birth, and to the country of their stewardship.

To return to the main subject of this communication. Many questions in regard to it, bearing upon matters of expense, and upon the adaptability of the Hudson's Bay territory in point of climate, and in some other respects, for becoming a successful field of convict discipline, may be discussed by the writer in a future communication. He cannot, however, help expressing an opinion at the present time, that if the money which is now expended upon model prisons and philanthropic institutions for adult criminals in England, which he believes to result in making finished hypocrites of the greater number of their inmates (thus adding to crime, and creating future burthens upon the country, instead of bringing it relief), were applied to the carrying into effect, in the Hudson's Bay territory, of some plan of transportation, similar to the one now proposed, ample means would be obtained for the purpose, and the most important ends be secured to both countries. For any hope of accomplishing much with adult criminals, new soil is required for the effort, where a wholesome and not an unnatural and a debasing process, would restore them to all that they had lost by plunging into crime. Let every one of them, therefore, be sent abroad to a country where treatment in model institutions (intended to prepare the convict for taking his proper place in the walks of life, and not to incapacitate him for so doing by enervating both mind and body), followed by judicious care and authority, and a certain means of profitable livelihood, might be reasonably expected to accomplish something for him, and where his presence would become a blessing to the country instead of its being a curse in England, as it is now regarded there. Let, however, all juvenile offenders continue to be treated at Parkhurst,

and at other reformatories at home; for upon their minds former associations may easily be made to give way to new impressions, and the same difficulties in an after career in England (almost insurmountable in the case of the adult convict), need not be encountered by them.

That the Hudson's Bay territory is adapted for such a field as England now requires to absorb her convict population, we have only to turn our attention to the more inclement, the more barren and less accessible region of Siberia, to which 10,000 criminals and their families are marched some 6,000 miles over the bleakest country every year, and which can now boast of a busy population of five millions. With mineral resources quite as rich as those of Siberia, the Hudson's Bay territory possesses many advantages in respect to climate and soil, position and access, of which Siberia cannot boast. It is surely, therefore, not presumptuous to suppose that the enterprise of England and Canada could effect as much in the one as Russia has accomplished in the other."

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## "CONVICT COLONIES."

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*From the London "Morning Post."*

"The third report of the select committee on transportation, which has just been published, contains the concluding portion of the evidence, as well as the general resolutions of the committee. The subject is too extensive to be considered within the limits of a single article; but the first and second resolutions relate to a matter which may be treated by itself, and we therefore propose, upon the present occasion, to confine our observations to those two resolutions. The first states that the punishment of transportation is more effectual and deterring, better adapted for the ultimate reformation of convicts, and more beneficial to this country than any other secondary punishment for serious crimes which has yet been tried. On this point there is the concurring testimony of Mr. Baron Alderson, of Mr. Justice Cresswell, and of Lord Chief Justice Campbell—judges of great experience and sagacity, all of whom are in favor of the revival of the punishment of transportation. Lord Campbell, we know, has repeatedly stated in his place in Parliament that he was appalled when he heard that transportation was to be abolished, and therefore it can excite no surprise that the noble and learned lord should again state to the committee that, in his opinion, "the Government ought to use every possible effort to establish colonies to which convicts may be transported." It appears, however, that there is some difficulty in providing convict establishments in the existing colonies of this country. Those colonies which are thriving and prosperous will not receive felons from England, and it appears from the evidence, that even in Western Australia, which is still willing to accept this description of labour, the experiment has not been very satisfactory or encouraging. Sensible of this difficulty, the committee in its second resolution, recommends the continuance of the sentence of transportation "so far as her Majesty's dominions may afford safe and proper facilities for that purpose." They do not draw a comparison between the relative merits of the Gulf of Carpentaria, the Falkland Islands, Vancouver's Island, or any other portion of her Majesty's dominions—a task in which to a certain extent, they had been anticipated by the Select Committee of the House of Lords. But on the continent of North America far from every *British Settlement*, in a climate rigorous, but not unhealthy, with a soil capable of production, there exists a large tract of land, which, from the time of Charles II., has remained a mere preserve for wild animals. We mean the immense territory over which the Hudson's Bay Company holds dominion. *A short time ago we published some articles from our correspondent in Canada, pointing out the expediency of selecting some portion of this wilderness—now unprofitable as far as the arts of life are concerned—as the site for convict establishments.* These articles at the time of their appearance excited considerable attention, and the plan

was much canvassed both by the press in this country and in Canada. The Hudson's Bay Company, jealous of any interference with "its ancient solitary reign," naturally viewed the proposal with apprehension and disfavour. But in Canada, where more is known of the history of that corporation, the whole matter was fully discussed, and we may state, as the result of that discussion, that, at the present moment, the Provincial Government is engaged in making preliminary inquiries, with the view of urging upon the Home authorities the policy of rendering some portion of the Hudson's Bay territory available for the purpose of colonization. For some years past the administration of our colonial affairs has been attended with little difficulty. We do not wish to be prophets of ill; but Mr. Labouchere must be prepared before long to consider the whole question of the Hudson's Bay monopoly, and to listen to the claims which Canada will make to have thrown open to civilization a territory vast in extent, and which it is well known is not unsuited for European colonization. If Russia on the other side of the continent, in regions still more inhospitable, can form thriving settlements, England, either by convict establishments, or by the enterprise of free labor, should surely endeavor to open a country which is now only occupied by the scattered posts of a trading company.

Various very obvious reasons may be urged in favor of placing convict establishments within the Hudson's Bay territory. In the first place, the expense of conveyance would be inconsiderable, when compared with the cost of a voyage either to Northern Australia, the Falkland Islands, or Vancouver's Island. In the second, the convicts would not be brought into contact with any existing settlements; in the third, all chance of escape would be impossible; and in the fourth, they might be employed in useful labour—such as constructing public works, cultivating the soil, and thus becoming the pioneers for other and more extended colonization. The right of the crown to form such establishments is, we believe, indisputable. The Act of the 1 and 2 Geo. IV., c. 65, provides that the Crown may establish any colony within the territories assigned to the company, and also the right of annexing any part of such territories to any existing colony. We therefore believe that no part of her Majesty's dominions affords "safer and more proper facilities" for the continuance of transportation than the Hudson's Bay territories; and, should this view be adopted by the Government, one difficulty which the committee anticipated will have been removed, and the way opened for the admission of the larger claim which Canada is about to urge."

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### "PENAL SERVITUDE AND TRANSPORTATION."

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*From the London "Spectator."*

"As if to give the debate upon our system of penal servitude a practical and startling illustration, the *Morning Post* conspicuously advocates a proposal for founding a penal settlement on the Northern coast of America. Considering the relations of the *Morning Post* and the attention which it

pays to certain forms of law-amendment, we incline to suppose, without straining the supposition too far, that there is some connexion between this project and Mr. Scott's proposal for a Select Committee with a view to the renewal of transportation; and we are inclined to fear that there may be some connexion between the perplexed position of Government and this project advocated by the *Morning Post*. The scheme is to a certain extent plausible. We have been compelled, as we observed last week, to discontinue transportation without having thoroughly studied the practicability of a substitute. With a dislike to anything resembling theory or projects,—though no country is so fertile in projects as England,—our official people have endeavoured to accommodate our convicted felons at home, without introducing new provisions in the system of their confinement. This was in itself an absurdity; for the act of keeping at home the criminals was a great and it ought to have been a formidable novelty. Throughout history there has been no country with such a numerous population, so closely confined, producing such a large number of criminals, and at the same time keeping those criminals at home.

When we introduced the new plan of detaining the criminals at home, the difficult undertaking was only accompanied by a palliative in the shape of letting them loose under a licence if they could go through the form of appearing to behave well. The tickets-of-leave have given rise to complaints; but the complaints are justly due to the imperfection of the mode for carrying out the auxiliary relief, not to its nature; whereas the official managers have met the complaints by retrenching the relief. They have produced no contrivance for providing better custody and better employment for convicts. They have simply contracted, almost discontinued, the licences to go at large. They render the system less complete, less commensurate to the necessity, than when they began it. What is more, we have not seen in the debate of last week, in the letters of Colonel Jebb, or in any official statement whatsoever, the slightest hint that they have selected or ascertained any principle for their action—anything to guide them out of the embarrass in which they are at present placed. It was under these circumstances that Mr. Scott made his motion; it is under these circumstances that the Canadian correspondent of the *Morning Post* has thrown out a suggestion, which is greedily caught up, for founding a settlement on the shore of Hudson's Bay. We extract from the editorial columns a statement of the advantages which the Hudson's Bay territories are supposed to offer."

"They are out-of-the-way regions, little known, and seldom visited; and the prospect of transportation to them would excite that fear in the criminal which the expectation of getting to Australia has failed, for many years, to produce. There are no large towns, no great seats of commerce or industry in them; so that the public would not be scandalized by seeing or hearing of such criminals as forgers, and those who had received some education, becoming, by-and-by, leading men, and driving their carriages, as they have done before now in Sidney. Again, they are much nearer than Australia; they are within three or four weeks' steam-voyage of England; the demoralizing effects of a long voyage to the Antipodes would be avoided, and the conveyance of criminals to their destination would cost less. In the next place, the great difficulties which had to be surmounted in Australia before suitable arrangements for carrying out a system of classification could be effected, would never present themselves in those extensive regions; for the numerous and

distinct localities in them, with the varied occupations which the whole territory affords, provide a natural system of classification to begin with,—the mines of copper, coal, lead, and other metals, in the Northern parts, supplying work and punishment at the same time for the worst class of convicts, whilst agricultural labour, and the coal districts in the more Southern parts, would afford employment for the less depraved criminals. Here there would be no inducement, and consequently no danger of the convicts escaping to the woods, as they have run off to the bush in Australia; the inclemency of the winter seasons and the impossibility of one or of a few runaways obtaining subsistence with ease during the colder months, would prevent any such attempt, and the extensive forests which separate these regions from Canada and the United States would place an obstacle almost insurmountable in the way of escape to the more densely-populated districts in the South. The assignment system, which was adopted in Australia, and was so much criticized and reprehended, could never be introduced in a country where there were no free settlers to whom the convicts might be assigned. And, lastly, the cold and bracing atmosphere would exercise a healthful influence over the officials and military employés, no less than over the convicts, compared with the relaxing climate of Australia.

"There would be some merit in this proposal if it could possibly be carried out. The convicts must either be restricted to the territory, or not restricted. If they were really kept at Hudson's Bay, and worked in mines, the confinement without relief would, as we may gather from Norfolk Island,\* convert them into devils incarnate; and they would die so rapidly as to raise a cry at home that they were subjected to slow capital punishment more cruel than hanging. In this state of things, the system as regards the mass of criminals could not be executed. The Home Office would be placed in a permanent state of siege. It is one thing to pass severe laws through the Legislature, and another to execute them steadily. People are readily led into severity against abstractions, but when those abstractions become individualized; wonderfully good reasons are found for lenity in each particular case. The horrors of the territory would be very suitable as an adjunct to a penal sentence for felony if the convict could be kept there; but he could not. The Home Office would let him off; and at all events he would return after the expiry of his sentence. This would abolish one of the "advantages" of transportation. Australia was further off, and there were temptations for the freed man to remain. Hudson's Bay is nearer, without any such temptations."

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### "PENAL COLONY IN BRITISH AMERICA."

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*From the Philadelphia "North American."*

"A great deal of discussion has taken place recently in the papers of Canada and the neighbouring British Colonies, upon a proposition which has emanated from the Home Government to establish a penal settlement in the vast territories of the Hudson's Bay Company.

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\* The experience of the defects in the management of the convicts, at Norfolk Island and in Australia, would suggest the adoption of improved management in any new trial of transportation, whereby those defects would be avoided.

It appears to be received favorably or unfavorably according to the pre-conceived notions of those who discuss it. Some, filled with a pharisaical horror of the very name and presence of convicts, shudder at the idea of founding a colony of them in America. They affect to perceive some vague injuries likely to be inflicted on Canada thereby, though they cannot exactly say what. Others, unaffected by illiberal prejudices, and looking only to the early settlement of the immense wilderness to which the Hudson's Bay Company has given its name, see that there is ample scope and verge enough for such an establishment without in any way injuring the present colonies.

The subject of fixing a new location for a convict settlement has occasioned a great deal of trouble to British statesmen of late. The policy of transportation having become a permanent one in the British Kingdom, it is necessary to find a suitable place of deposit for the mass of refuse humanity, constantly ready to be sent forth. Australia, Tasmania, New Zealand, the Cape Colony, Norfolk Island—all have outgrown the system.

It did well enough for them when they were infant settlements, in need of compulsory labor to till the soil, build bridges, open roads, &c.; but now that they have large numbers of moral and respectable settlers who feel shocked at the imputation of originating from convicts, some new colony must be found. Temporary places will not do. There must be a permanent colony—permanent, at least, for many years to come. North America is about the only place offering a site, because of its vast unsettled interior wilderness.

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The object in view in fixing upon Mackenzie River as the scene of the new settlement, would be to remove the convicts entirely from all likelihood of contact with Canada and the other British North American Colonies. It, however, hardly seems necessary to seek so remote a region, since the shores of Labrador and Hudson's Bay might answer the purpose much better. But whatever the location, may be the movement is one of much importance. Should it be undertaken, it will probably result in building up a British Siberia in the frigid wilds of America."

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### "NEW DISPOSAL OF CONVICTS."

*From the "Montreal Gazette."*

"This is the heading of a long and able article which appeared in the London *Morning Post* some time ago, and which we laid aside to peruse at leisure. The article has since been noticed by several of the London and Provincial papers; and in truth, the subject on which it treats is one of the greatest moment, not only to the British Empire, but to humanity. The views of the writer, who dates his article at Toronto, have been met with approval by London journalists, and condemned by some in Canada for objections to which they are not obnoxious. The main feature of the "new disposal" propounded is to abandon the present



ticket-of-leave system, and establish in its place one of transportation to the Hudson's Bay Territory. \* \* \* \* Transportation to Australia is at an end, as much as is the old system of sending convicts to America; and the ticket-of-leave system is exciting very strong and general feeling against it. Prison accommodation, in England, has increased, and is increasing, yet the question, 'what is to be done with the convicts?' is still of deep and pressing moment. Transportation beyond the seas has, for a long time, been a favorite mode of punishing criminals, and the substitution of other modes has been looked upon with popular distrust. But you cannot have transportation to a colony which has become rich and powerful, as Australia, for the colonists will not endure it; and for the rest it is not desirable to transport convicts to that golden, and from popular repute, sunny land. Transportation to such a place would be obviously holding out a premium to a certain class of criminals to commit crime for the purpose of being sent there. The ticket-of-leave system at home has, in its main features, proved to be cruel injustice to the convicts themselves, and an unjust infliction on the public. Cruelty to the convicts, because the finger of suspicion ever pointing at them prevents at once their reformation and their obtaining an honest livelihood—unjust infliction on the public, because it is unnecessarily condemned to suffer from their fresh depredations. We do not, therefore, wonder at the outcry against the system, and we fancy its days are numbered. \* \* \* \* Should the system be abolished, one of two things is necessary; transportation to some new place, or a more extensive penitentiary system. As we have already stated, the former, in our judgment, will most readily commend itself to the British people; and perhaps, considering the peculiar circumstances of the British Islands, especially with respect to population and manufacturing industry, it is in many ways the most desirable. Where, then, shall convicts be sent? To the Hudson's Bay Territory, answers the writer in the *Post*, and that for reasons well worthy of serious consideration. The idea is to make of that wild region a new Siberia, and when we think of the very great adaptedness of Siberia for the purposes for which it is used by the Russian Government, and the very great comparative progress it has made in productive wealth and population, the proposal, on its face, strikes us in a favorable manner.

To give the writer's arguments in favor of the Hudson's Bay Territory, would swell this article to too great length, and we shall, therefore, postpone them until another impression. But we may here notice the objections which have been raised by some of our contemporaries, namely, that the proposal is merely to divert transportation from other places to Canada. An accusation could not be more unfounded, and the editor who made it could not have read with care the article of the writer in the *Morning Post*, for he is very careful to point out the difficulty, or indeed impossibility, of escape to Canada or the United States from a locality separated from them by 500 or 1000 miles of wild forest. The usual channels of communication might be very easily guarded. We have no desire to bring criminals near to us, but we have no fears on this head. The question is one in which public and national considerations solely should weigh; and it should be treated from a public point of view."



## "THE CONVICT SETTLEMENT IN THE HUDSON'S BAY TERRITORIES."

From the "*Montreal Gazette*."

"The New York *Albion* has another rejoinder to our last remarks upon its views about the convict settlement scheme. As the subject is an important one it will not be waste of time or space to devote some of both to a commentary upon his last article. In almost all newspaper writing, certainly in all newspaper controversy, one takes for granted a certain degree of information on the part of readers. In dealing with a newspaper of the acknowledged status of the New York *Albion*, a writer always takes for granted that he need not state every petty detail to fill up a case, but that it is sufficient to deal in general assertions—not continually citing authorities in foot notes to support each statement made. Perchance we did wrong in dealing in the usual mode with the writer in the *Albion*, whom we at first accused of lamentable ignorance. If so, we will endeavour to amend our fault.

At the north of this Province, and separated from it by a long range of high land, lies a territory which, in the days when the system of giving illegal monopolies by the Crown had not yet been entirely destroyed, was granted to a certain company of adventurers, entitled the "Adventurers trading to Hudson's Bay." It is asserted, and we believe not without reason, that much of the territory claimed as so granted had already been occupied by the subjects of the French king—that it was therefore not included in the grant (such territory being expressly reserved by the charter), but legally belongs to Canada. This is, however, a mere legal, abstract right, *in posse*. The dominion over that territory has been exercised by the Hudson's Bay Company: they actually hold, occupy and possess it. They stand before the world as its legal proprietors. To call that country "Northern Canada," as was done by the *Albion*, is as much a misnomer as to call New Brunswick and Nova Scotia, Eastern Canada. It was the cue of the *Albion* to frighten the people of Canada about a convict settlement in this northern territory as threatening a great variety of evils to them. It therefore looked very much like a studied misrepresentation to speak of that country as Northern Canada, as if it were a part of our own country, and the convict settlement contiguous to the settlements in Canada, instead of hundred of miles away. The *Albion* says the term was used by chance. We cannot refuse to accept that explanation of the very suspicious expression, or to believe our contemporary's positive assertion. He would have done better to let that explanation suffice, however, rather than write such a nonsensical prelude to it as we subjoin:

'The *Montreal Gazette* of Wednesday last devotes a column of tart rejoinder to our remarks elicited on the 27th ult. and 11th instant, by the project for planting a

convict establishment upon Canadian soil—for Canadian soil we still must call it, though our Canadian contemporary suddenly proclaims that 'Canadian territory, generally recognised as such, was not in dispute at all.' *If the Hudson's Bay Company farm lands and waters belonging to some Arctic Kingdom, neither Colonial nor British, we confess we have not yet heard of it.* At least the scheme was propounded as a means for civilizing, and humanizing, and cultivating the resources of a region, which has geographical and political ties with the country in which we both are interested.

We confess our inability to discover what argument bearing upon the point at issue is to be deduced from the sentence italicised, or how the last sentence justifies the use of a term implying that a convict settlement really hundreds of miles off would be immediately contiguous to the settlements in Canada. Again, if the term Northern Canada was used by chance, why does the *Albion* conclude its remarks, in so far as we are concerned, by the following appeal to Canadian feeling about a matter which is to occur in a territory, from all direct communication with which we are more thoroughly cut off than from connection with slavery in South Carolina or Mississippi:—

'We would remind the journalist, nevertheless, that the sturdy colonists of the Cape of Good Hope, when they unflinchingly repudiated a convict settlement, had without doubt their stores of bread and beef to dispose of. If the Canadians have not as much clear moral perception, and as much self-reliance, as those Dutch boers, then the *Gazette* is right in classing the editor of the *Albion* as 'some man in blessed ignorance of the subject.'

This is just a part of the whole game of the *Albion* and *Herald* to excite an unfounded prejudice against that, for the condemnation of which they can advance no sound argument.

Here is another accusation fulminated against us by the *Albion*, with which we confess we are again puzzled. He says—

"We suggested that emigration to remote and isolated regions was not one and the same thing with colonizing in the usual sense. The *Gazette* is discreetly silent."

We really did not, nor do we now perceive anything here which requires any answer from us. Suppose we admit the pompous statement of our contemporary as undoubtedly and absolutely true: What inference does he propose to draw from it having any bearing whatever upon the subject? He says we show the cloven foot in saying that 'reformation and the expiry of sentence might be allowed to give the convict access to the Red River and other South Western settlements near the borders of Canada;' and he puzzles over our declaration that 'it is only proposed that the worst description of convicts should be sent to those far away Northern regions.' We are sorry our contemporary finds it so difficult to understand the scheme. Ignorant of the matter, as he proves himself, we fear he affects a stupidity not real in order the better to mystify the subject in the eyes of his readers. Let us suppose a gang of convicts landed at the most convenient post in Hudson's Bay. If the writer in the *Albion* will take the trouble, just for this once, to look at a map of the country, he will see they can get there without coming to Canada at all; or being sent by contract with an express company and loads of pemmican from Montreal to their destination. He will also see that the Bay extends through 13 degrees of latitude, giving to the country along, or in the

vicinity of its shores a considerable variety of climate. The first work of the convicts would be, we fancy, to build roads to make the portions of territory lying at some distance from the shores of the Bay accessible. Along one of these routes they could pursue their way to lands fitted for agricultural settlement, yet still at a sufficient distance from Canada to render escape thither almost, if not quite impossible; along the other they would be sent to the inhospitable northern regions, where it is believed that their labour may be profitably employed in mines. We did not mean to say that none but the very worst of convicts were to be sent into the Hudson's Bay Company's territories; but it was intended that they alone should be sent to the mines at the North, while the others were employed in the more Southern districts. We repeat there is ample space between even these Southern districts and the Canadian frontier to render escape into Canada with life almost, if not quite, an impossibility. The regular routes would be watched; escape through the howling wilderness elsewhere would be little short of a miracle. Then with respect to the course to be pursued upon the expiry of the sentence. The convict then becomes a free man—and many a man who has thus regained his freedom in England after his imprisonment, becomes an emigrant to Canada and the United States. We cannot prevent his coming here, if he wishes to do so. It is to be hoped that in coming to a new country, where he will no longer be beset by the temptations which tried him at home—in the wild lands of a newly settled colony, he may prove a hardy, enterprising and most useful settler. It were cruel to refuse him the chance.

The *Albion* says it is not bound to specify the evils to be apprehended, until we state the good to be derived from the establishment of this convict settlement, and perhaps this is true enough. But the *Albion* voluntarily deprived itself of the advantage of this position, by attacking the project and urging against it, that it would entail upon Canadians many vague but terrible evils. Opening the battle as an assailant, bound to shew reason for his assault, he now changes his position, and demands of us to shew cause why the scheme is a good one. Our contemporary forgets that we did not propound the scheme, nor are we committed or bound to defend it. When the *Albion* and others conjured up untenable objections and imaginary horrors, we did but undertake to shew their absurdity. And this we believe we have effectually done. But we will waive the matter of form, for our desire to let the whole truth be known. We have already stated the benefits to be derived by Canada from this convict settlement. Day by day the hearts of the people of Canada are pained by the tales that are made public, about the evils of our system of imprisonment. And here we must imprison or hang a person convicted of any serious offence. The horrors of prison life, the cruelty inflicted and the little good done—the small chance of reformation it affords, and the small hope of future success in life, has led to many plans for substituting other modes of secondary punishment by the English people and Government. They have tried transportation and the ticket-of-leave system; and after a fair trial the latter has been condemned, the former recommended. Much vice as may be found in Australia, the per centage of the criminality among the

convicts whose terms of sentences have expired is as nothing, we believe, when compared with that which is found among the ticket-of-leave men returning to their old haunts and their old associates in crime. It would be well for us in Canada if some of the convicts languishing in our prisons could be sent to labour in opening up new settlements at the North, with a chance of emigrating when his punishment is over to some other settlement, where his old associates and temptations will not beset him, and he may have an opportunity to make for himself an honest and a happy home. Here is one great benefit Canada would gain for her outcast children. We said in our last article that we doubted not a trade of some importance in breadstuffs, &c., would grow up between Canada and the Bay, were its navigation made free to Canadian shipping; and that we might trade there without fear of contamination, as Britain formerly traded with Botany Bay. A vessel might start hence with a cargo of breadstuffs for Hudson's Bay, load there with furs and metals for England, and bring a cargo out thence again to Canada, of such articles as we desire from Europe. All new settlements, (whether convict or otherwise,) founded within trading distance of us, must be a benefit to us as extending our commerce. But we shall be asked, perchance, what are these minerals? The *Albion* complains we do not give it definite information on this point. We had supposed our contemporary not quite unacquainted with the authorities on this point. We have now before us a letter from our former correspondent *Assiniboia*, in which this matter is very fully and satisfactorily dealt with. Our contemporary shall be gratified with its perusal in a few days. In the meantime we may tell him, that satisfactory evidence about the existence of large quantities of minerals in this region, was furnished to a committee of the House of Commons about a hundred years ago. It was then shewn that the Indians made use of copper for many ordinary mechanical purposes, and that mines of lead and cinnabar existed. An outcry being raised against the Company, they sent out a man named Hearne, who found that copper existed, though he made but a careless exploration of the spot, stopping but part of a single day. Sir John Richardson, who made three expeditions to that part of the world, and spent nearly seven years in the territory, in his "Artic Searching Expedition," after describing its geological features, alludes to its mineral wealth in the following terms:—

'It would be true economy in the Imperial Government, or in the Hudson's Bay Company, who are the virtual sovereigns of the vast territory which spreads northwards from Lake Superior, to ascertain without delay the mineral treasures it contains. I have little doubt of many of the accessible districts abounding in metallic wealth of far greater value than all the returns the fur trade can ever yield.'

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From the "Montreal Gazette."

"We commend to the attention of our readers, and especially to that of our contemporaries the *Montreal Herald* and New York *Albion*, the subjoined remarks of the New York *Anglo-Saxon* on this subject, and the article communicated to it which we republish elsewhere:—

### 'A NEW PENAL SETTLEMENT.'

The vast and remote territories of the Hudson's Bay Company have recently been pointed out as a suitable field for convicts, and the idea has been received very favorably in Great Britain and also in Canada. But two objections have been started, one on behalf of the Company, which claims to hold the soil by right of charter, which charter is unexpired and therefore still in force; and the other the danger to be apprehended from the proximity of such a colony to the settled portions of Canada and the United States. These objections, however, do not possess much force, since that part of the territory designated as the proper site for such a settlement is one thousand miles away from any civilized place, with a dense forest intervening. With such an impassable barrier, and with a police force, organised from the half-breeds, it is contended that escape would be impossible, at all events scarcely within the compass of human courage and perseverance to accomplish. The unexpired charter of the Company must be respected, but the Company must not be unreasonable. The scheme in view is one of great magnitude and of pressing interest. The unhappy criminals in Great Britain fill all the jails and penitentiaries, where the unfortunate can neither have recreation nor health, and what is worse, little or no moral reform. On the ground of humanity, then, this plan can be pressed, and pressed we hope it will be to a fortunate consummation. We could say much on this topic, but we forbear, and refer the reader to an able communication in this day's issue, written by a gentleman who resided many years in Australia, and who seems master of his subject. We may point out, nevertheless, what our correspondent enforces, namely—that these penal settlements soon become colonies of high moral and political value. The traces of convict origin are lost in the very first generation—nay more, many of the convicted themselves from being removed from their old haunts and bad associates become under the encouraging prospects of once more rejoining virtuous society, reformed, respectable, and often wealthy members of the community. The colony, too, in due process of time, rises to the dignity of a first class British Province as in Australia.

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### "HUDSON'S BAY, AND CONVICTS."

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*From the "Quebec Gazette."*

"It has been proposed to convert the wilderness at present possessed by the Honorable Hudson's Bay Company, into a second Siberia, where convicts of all ranks, may grow into exemplary characters, and have wives and fortunes. The proposition is a good one. The vast territory extending from Greenland to Kamschatka, north of Canada, is at present occupied only by some wild beasts, and a few hunters. It is, as a land, entirely unproductive. No one produces, no one imports, nor does any one export anything, furs excepted. The soil is not incapable of cultivation. It is well watered, has its growing season; and the earth is fertile. All that the country requires to bring forth food for man and beast abundantly, is the presence of man. But man is not permitted to show himself in the Hudson's Bay Territory, unless he be an agent of the Hudson's Bay Company. Thousands of miles remain a wilderness, to gratify one mercantile establishment in the city of London. Now, to break up this hideous monopoly, it is proposed to convert the territory into a convict, or penal settlement; in other words, to convert a wilderness into a new country, for the certain reformation of characters who cannot be reformed at their homes. The proposition meets entirely with our approbation. If

the present Hudson's Bay Territory were peopled with the refuse of England or Europe, it would be better for Canada than it now is. Convicts are not worse than other men, unless in so far as accidental circumstances have made them so. He has but little faith in himself, who eschews the casual contact of other men, lest that contact may contaminate him or his. But what contamination could there be as regards Canada, in the settlement of the Hudson's Bay Territory with English convicts?"

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